

Town of Milton
Board of Adjustment
Minutes
March 23, 2004

Members Present:

John Collier

Marion Jones

Larry Savage

Town Members:

Eric Evans

John Collier opened the meeting. Mr. Collier introduced the application from Cannery Village LLC. for a variance from the Municipal Code of the Town of Milton, Article 4, Section 8, Paragraph 13 (Minimum lot area and width). The applicant requests a variance from the minimum lot area required within a LPD district from 5,000 sq ft to 4,883 sq ft on lot 517 Chestnut Street and from 5,000 sq ft to 4,788 sq ft on lot 519 Chestnut St. further identified by Sussex County Tax Map and Parcel number 2-35-20.11 52.00. Mr. Collier asked if anyone present was here to represent the application and Dennis Sabato stated he was representing the application on behalf of the Cannery Village. Gene Dvornick was introduced as being here for the technical information if needed.

Mr. Sabato introduced himself and proceeded to explain the application. Cannery Village is asking for a variance in the minimum sq ft for 2 parcels 517 and 519 Chestnut St.

Mr. Collier stated that in his review and trying to scale the drawing it appears that all the parcels meet or exceed the side yard setback requirement. It appears that the property lines between parcels 2 & 3 were created by taking the distance between the homes and splitting the difference. The lot lines are at 90 degrees from the street which is good. Mr. Dvornick stated that they had approached Canning House Row Condo association in acquiring property from them to meet the 5,000 sq ft but that the association was not interested in the proposal. Mr. Collier stated that by scaling parcel 2 it appeared the side yard set back from parcel 3 was approximately 8'. Knowing that scaling is not the most accurate way of doing this but that was the information at hand. Also parcel 3 was approximately 8' from parcel 2 there by appearing that the surveyor split the difference. Mr. Dvornick stated that this was probably the case. Mr. Dvornick stated that they wanted to make sure that they complied with the maximum area requirements so the variance would be minimal. Mr. Collier asked if the home on 519 was moved into the present location and Mr. Dvornick stated it was.

Mrs. Jones asked about the actual distance between the houses on parcels 2 & 3. Mr. Dvornick stated he did not have the actual distance. Mr. Collier explained that by scaling the distance it appeared to be around 16'. After further discussion in regards to the lot line between parcels 2 & 3 and the possibility of moving the lot line to get more square footage for parcel 3 the Board of Adjustment made the following decisions.

Mr. Collier stated as a motion to the following:

1. The granting of the area variance for parcel 4 is granted as requested. Reducing the sq ft for parcel 4 to 4,788 sq ft.
2. The Board of the Adjustment requires the applicant readjust the lot line between parcels 2 & 3 moving the line north toward parcel 2 to enlarge parcel 3 to above 5,000 sq ft but not

reducing the square footage of parcel 2 below 5,000 sq ft or encroaching into the side yard setbacks.

3. If after the surveyor resurveys the parcels and the minimum sizes cannot be met of the side yard setback cannot be maintained then the variance will be granted for both parcels. Further having all the dimensions proved on a sealed plat.

Mrs. Jones stated:

1. That granting the variance to parcel 4 for seems inevitable and it's a good idea to move the lot lines between parcels 2 & 3 to get the required 5,000 sq ft.
2. This will not adversely change the character of the neighborhood or be a detriment to nearby properties.

Mr. Savage stated:

1. He agreed with what has been said and do to no objections from the community, Mr Savage agrees to the motion.

The minutes from the last Board of Adjustments on January 27, 2004 were read and approved with corrections to the spelling of Marion Jones.

Minute Approved:

John Collier

Marion Jones

Larry Savage